IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 6485(S/S)2001
(Old no. 1140 of 1994)

Radhey Shayam Bhatt S/o Sri Vishambhar Dutt Bhatt,
Resident of Gramsabha Matti, Patti Ganja,
Post Office Raimer, District Uttarkashi. ---- Petitioner.

Vs.

1. State of U.P. through Secretary Industries,
   XII, Civil Secretariat, Lucknow,
2. The Director, Directorate of Geology & Mining,
   2- Way Road, Lucknow,
3. The joint Director Directorate of Geology & Mining,
   2- Way Road, Lucknow,
4. The Geologist, District Task Force Office,
   Uttarkashi. ----Respondents.

Sri Pramod Bailwal, learned counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pramod Bailwal, learned Counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. A writ of certiorari or a writ, order or direction in the nature of certiorari, quashing the impugned order of termination if any, after summoning the same from the custody of the opposite parties,

ii. A writ of mandamus or a writ, order or direction in the nature of mandamus, commanding the respondents to reinstate the petitioner in service as Chowkidar and pay him his wages as and when the same fall due,

iii. A writ of mandamus or a writ, order or direction in the nature of mandamus, commanding the opposite parties to pay the petitioner his salary in the regular pay-scale of Rs. 750-940 and to regularize the petitioner.

iv. A writ of mandamus or a writ, order or direction in the nature of mandamus, commanding the opposite parties to pay to the petitioner the arrears of wages with effect from August, 1998 onwards and not to create any artificial break in the services of the petitioner,

v. Any other order or orders as this Hon'ble Court may deem just and necessary in the circumstances of the case, may also kindly be passed,

vi. Allow the petition with cost.

Stand of the petitioner is that he was appointed on daily wage basis as Chowkidar in the office or respondent no. 4 w.e.f. 06.02.1991. Though there was no complaint about the work and conduct of the petitioner, but because the petitioner moved application on 14.06.1991 before the respondent no.2 requesting to provide regular appointment to the petitioner on the post of Chowkidar and thereafter. so many applications were moved for regularization but annoyed with the action of petitioner, the respondents did not permit the petitioner to work on daily wage basis after 01.10.1993 and have also not paid salary for the period for which he had actually worded. Aggrieved with the arbitrary action of the respondents, the petitioner preferred this writ petition before Lucknow Bench of Allahabad High Court and the High court on 08.03.1994 passed an order to the effect that till the next date of listing it is provided that, in case, work on the post of Chowkidar with

opposite party no. 4 is still available and the post of Chowkidar is sanctioned, the petitioner may provisionally be allowed to work on the post of Chowkidar and his salary for the period, for which he has worded, be paid, if not already paid.

The main prayer in the writ petition is for directing the respondents to take work from petitioner on the post of Chowkidar on daily wage basis and thereafter, to regularize him on that post. This prayer cannot be granted in view of the judgment of Hon'ble the Apex Court in the case of **Secretary State of Karnataka vs. Uma Devi, reported in 2006(4) Supreme Court Cases, page-01.** Thus, the writ petition has no merit and is liable to dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

May 4, 2007:
NCM: